

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Geoff Trapp 2551 East Avenue S, Suite G-166 Palmdale, CA 93550 (661) 214-4412 GrandmaHasAlzheimers@ProtonMail.com In his individual capacity as an interested party, and as next friend to Clotee Downing, an incompetent person without a representative, as permitted by FRCP Rule 17(c)(2) <input checked="" type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;">FILED MAR 24 2025 <small>CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY: <i>[Signature]</i> Deputy Clerk</small></div>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - **SELECT DIVISION**			
In re: 2nd Chance Investment Group, LLC <div style="text-align: right;">Debtor(s).</div>		CASE NO.: 8:22-bk-12142-SC ADVERSARY NO.: (if applicable) CHAPTER: 11	
<div style="text-align: right;">Plaintiff(s) (if applicable).</div> <div style="text-align: center;">vs.</div> <div style="text-align: right;">Defendant(s) (if applicable).</div>		NOTICE OF APPEAL AND STATEMENT OF ELECTION	

Part 1: Identify the appellant(s)

Geoff Trapp; Clotee Downing, an incompetent 83-year-old Alzheimer's patient without a

1. Name(s) of appellant(s): representative who can neither appear nor obtain counsel on her own, because she lacks the legal capacity to consent to representation.
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe):

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☐ Creditor
☐ Trustee
☒ Other (describe): Interested parties who were never served with any notice or process / Legally presumed owner of home sold by bk court without Due Process

Part 2: Identify the subject of this appeal

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
3/10/2025 Order (Dkt. 471), (1) denying multiple Motion(s) for appointment of counsel for Clotee Downing, an incompetent person (Dkts 445, 467, etc.), (2) denying Motion under Rule 60 etc. for relief from order authorizing sale of Downing's home without any notice to or Due Process for Downing (Dkt. 445), (3) denying Motion to continue hearing to August 2025 (Dkt. 467), and (4) advising Trapp to stop helping Downing speak to the Court as her next friend per FRCP Rule 17(c)(2), despite refusing to appoint Downing counsel or a guardian ad litem.
2. State the date on which the judgment—or the appealable order or decree—was entered: 3/10/2025

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: 2nd Chance Investment Group, LLC
Attorney: Financial Relief Law Center, APC
1200 Main St. Ste C Irvine, CA 92614
Telephone: (714) 442-3335 Facsimile: (714) 361-5376

2. Party:
Attorney:

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

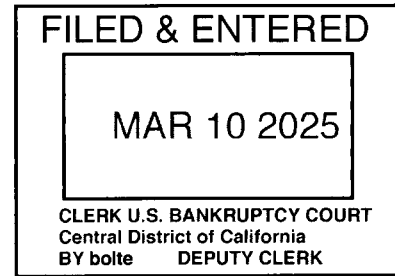
Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney) Date: 3/24/2025

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]



**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re:

2nd Chance Investment Group, LLC,

Debtor(s).

Case No.: 8:22-bk-12142-SC

CHAPTER 11

**ORDER RE (1) CLOTEE DOWNING'S
OMNIBUS MOTION FOR APPOINTMENT OF
PRO BONO COUNSEL PER FRCP RULE
17(C)(2), AND FOR RELIEF FROM ORDER
AUTHORIZING SALE OF REAL PROPERTY
(DOC 313) UNDER FRCP RULE 60(b)(2), (3),
(4) and/or (6), OR IN THE ALTERNATIVE,
(d)(3) [DK. 445]; and (2) CLOTEE
DOWNING'S EX PARTE MOTION TO
CONTINUE HEARING TO AUGUST 2025,
AND TO IMMEDIATELY APPOINT
COUNSEL [DK. 467]**

Vacated Hearing:

Date: March 12, 2025

Time: 1:30 PM

Courtroom: 5C

The Court, having considered Clotee Downing's Omnibus Motion For
Appointment of Pro Bono Counsel Per FRCP Rule 17(C)(2), and For Relief From Order
Authorizing Sale of Real Property (Doc 313) Under FRCP Rule 60(B)(2), (3), (4) And/Or

(6), Or In The Alternative, (D)(3) filed November 20, 2024 [Dk. 445] ("Reconsideration Motion"), Clotee Downing's Ex Parte Motion To Continue Hearing To August 2025, And To Immediately Appoint Counsel filed February 19, 2025 [Dk. 467] ("Motion to Continue") (collectively, Motions), all relevant pleadings, the docket as whole, and for the reasons stated below, finds good cause to DENY the Reconsideration Motion, DENY the Motion to Continue as it is moot, and VACATE the March 12, 2025 hearing.

Geoff Trapp ("Mr. Trapp") signed and filed the Reconsideration Motion and Motion to Continue as "An Incompetent Person Without a Representative, suing by her Next Friend Geoff Trapp as permitted by FRCP Rule 17(c)(2)." Mr. Trapp, however, has failed to provide evidence that he is authorized and legally permitted to represent Ms. Downing before this Court. As previously noted by the Court, his representation of Ms. Downing, without counsel, constitutes the unauthorized practice of the law by Mr. Trapp.¹ Dk. 328; See e.g., *Schmitz v. Asman*, 2024 U.S. Dist. LEXIS 101796, at *9 (E.D. Cal. June 7, 2024), *vacated on other grounds* ("a non-attorney guardian ad litem must have counsel in order to litigate a case"). While Mr. Trapp has not been appointed a next friend, a guardian ad litem, or a conservator, even if he had been, as a non-attorney, he is not permitted to practice law on behalf of others. *Berrios v. N.Y.C. Hous. Auth.*, 564 F.3d 130, 134 (2d Cir. 2009) ("If the representative of the minor or incompetent person is not himself an attorney, he must be represented by an attorney in order to conduct the litigation.").

Further, Mr. Trapp's reliance on FRCP 17 is misplaced. FRBP 7017, in relevant part, makes FRCP 17 applicable in adversary proceedings. The Motions, however, are filed in the main case, not in an adversary proceeding, and so FRCP 17 is inapplicable. Additionally, FRCP 17 pertains to the appointment of a next friend or guardian ad litem,

¹ In an order entered December 5, 2023 [Dk. 329], this Court previously noted that Mr. Trapp's presentation of motions before the Court constituted the unauthorized practice of law. Further, the Court notes that an appeal filed in adversary 8:24-ap-01105 was dismissed by the United States Bankruptcy Appellate Panel of the Ninth Circuit as Mr. Trapp failed to timely respond to the BAP Clerk's Order requiring Mr. Trapp to file a response explaining in what capacity he was representing Clotee Downing in the appeal and what authority authorized him to prosecute an appeal on Clotee Downing's behalf. Adv. 8:24-ap-01105, Dk. 45.


1 not the appointment of counsel. FRCP 17(c)(2); *Tackett v. United States HHS*, 2021
2 U.S. Dist. LEXIS 251119, at *4 (D. Mont. May 7, 2021). Therefore, Mr. Trapp's request
3 for counsel to be appointed is denied.

4 Accordingly, the Court finds good cause to order as follows:

- 5 1. The Reconsideration Motion is DENIED.
- 6 2. Geoff Trapp's request for the appointment of counsel is DENIED.
- 7 3. The Motion to Continue is DENIED.
- 8 4. The March 12, 2025 hearing is VACATED.
- 9 5. Geoff Trapp is cautioned that any further pleadings filed by him personally,
10 without counsel, on behalf of Clotee Downing may result in the Court issuing
11 an order to show cause as to why such pleadings should not be rejected for
12 the unauthorized practice of law.

13 **IT IS SO ORDERED.**

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25 Date: March 10, 2025


Scott C. Clarkson
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*) **ORDER RE (1) CLOTEE DOWNING'S OMNIBUS MOTION FOR APPOINTMENT OF PRO BONO COUNSEL PER FRCP RULE 17(C)(2), AND FOR RELIEF FROM ORDER AUTHORIZING SALE OF REAL PROPERTY (DOC 313) UNDER FRCP RULE 60(b)(2), (3), (4) and/or (6), OR IN THE ALTERNATIVE, (d)(3) [DK. 445]; and (2) CLOTEE DOWNING'S EX PARTE MOTION TO CONTINUE HEARING TO AUGUST 2025, AND TO IMMEDIATELY APPOINT COUNSEL [DK. 467]** was entered on the date listed above and will be served in the manner indicated below:

I. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by U.S. Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Clotee Downing
2551 East Avenue S, Suite G-166
Palmdale, CA 93550

Geoff Trapp
2551 East Avenue S, Suite G-166
Palmdale, CA 93550

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF APPEAL AND STATEMENT OF ELECTION** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 3/10/2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 3/24/2025, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California, Santa Ana Division
411 W. Fourth St., Ste 5130/Ctrm 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

3/24/2025

Athena Lee

Date

Printed Name



Signature

Name	on behalf of / email address
Adam N Barasch	on behalf of Defendant Ford Motor Credit Company LLC anb@severson.com, cr@severson.com
Amanda G. Billyard	on behalf of Debtor 2nd Chance Investment Group LLC abillyard@bwlawcenter.com
Andrew Michael Cur	on behalf of Defendant NBCUniversal Media LLC andrew.cummings@hklaw.com philip.dobbs@hklaw.com; hapi@hklaw.com; sandy.olalde@hklaw.com
Andy C Warshaw	on behalf of Debtor 2nd Chance Investment Group LLC awarshaw@bwlawcenter.com, warshaw.andyb110606@notify.bestcase.com
Andy C Warshaw	on behalf of Defendant 2nd Chance Investment Group LLC awarshaw@bwlawcenter.com, warshaw.andyb110606@notify.bestcase.com
Annie Y Stoops	on behalf of Defendant Gold Depot Inc. annie.stoops@afslaw.com, yvonne.li@afslaw.com; mia.ferguson@afslaw.com
Arjun P Rao	on behalf of Defendant Discover Bank arjun.rao@morganlewis.com lalacalendar@stroock.com
Arvind Nath Rawal	on behalf of Creditor Ally Bank c/o AIS Portfolio Services, LLC arawal@aisinfo.com
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Douglas A Plazak	on behalf of Creditor Sajan Bhakta dplazak@rhlaw.com

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